

EXHIBIT 2

FILED
11/27/2019 11:28 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Victoria Angeles

2019CI24459

ROLANDO FLORES
Plaintiff,

THE MONEY SOURCE, INC.
Defendant.

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IN THE DISTRICT COURT

285th **JUDICIAL DISTRICT**

OF BEXAR COUNTY, TEXAS

PETITION FOR DECLARATORY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES **ROLANDO FLORES**, Plaintiff herein, and files this Petition for Declaratory Judgment, pursuant to the Texas Uniform Declaratory Judgments Act, Chapter 37 of the Texas Civil Practice and Remedies Code, and would show the Court the following:

DISCOVERY CONTROL PLAN LEVEL

Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

1. **ROLANDO FLORES**, is "Plaintiff." Plaintiff resides in San Antonio, Bexar County, Texas.
2. **THE MONEY SOURCE INC.**, is "Defendant." Defendant is represented by the firm SHAPIRO SCHWARTZ, LLP. and may be served with a citation directed to said Defendant at the following address: 13105 Northwest Freeway, Suite 1200, Houston, TX 77040; Tel: (713) 462-2565; and Fax: (847) 879-4823.

JURISDICTION AND VENUE

3. The subject matter in controversy is within the jurisdictional limits of this court.
4. This court has jurisdiction over the parties because Defendant is a Texas resident.
5. Venue in Bexar County is proper in this cause under Section 15.011 of the Texas Civil Practice and Remedies Code because this action involves real property as provided by

said Section, and this county is where all or part of the real property is located.

FACTS

6. A. Plaintiff, **ROLANDO FLORES**, is the record owner of real property and improvements located at 11911 Orsinger Lane, San Antonio, TX 78230.
- B. Plaintiff, **ROLANDO FLORES**, was notified by Defendant, **THE MONEY SOURCE, INC.**, through a certified letter notifying Plaintiff of their intent to foreclose on the property at a foreclosure sale scheduled for December 3, 2019.
- C. Plaintiff believes the amount now demanded by Defendant for default exceeds the amount actually due.
- D. Plaintiff believes that all payments were sent on time.
- E. Plaintiff is in the process of obtaining a loan modification, however it will not be complete on or before the foreclosure sale.

RELIEF REQUESTED

There exists a genuine controversy between the parties herein that would be terminated by the granting of declaratory judgment. Plaintiff therefore request that declaratory judgment be entered as follows:

- A. Defendant be enjoined from taking any further legal action, including foreclosure pursuant to the Deed of Trust, until it provides satisfactory documentation detailing how payments were applied to principal, interest, taxes, insurance and other fees and both Plaintiff and Defendant agree upon the amount now due.

ATTORNEY'S FEES

Pursuant to Section 37.009 of the Texas Civil Practice and Remedies Code, request is made for all costs and reasonable and necessary attorney's fees incurred by Plaintiff herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, and that on final trial hereof declaratory judgment be granted as requested herein and Plaintiff be awarded costs and reasonable and necessary attorney's fees, and for such and further relief that may be awarded at law or in equity.

Respectfully Submitted,
Law Offices of Kristy Arcellano

By: /s/ Kristy Arcellano
Kristy Arcellano
Texas Bar No. 24057745
5503 Grissom Rd., Ste. 102
San Antonio, TX 78250
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Fax. (866) 502-0791
arcellanolaw@fastmail.fm
Attorney for Plaintiff
Rolando Flores

CERTIFICATE OF SERVICE

I certify that on November 27, 2019, a true and correct copy of Plaintiff's Petition for Declaratory Judgment and Plaintiff's Application for Temporary Restraining Order, Temporary Injunction and Permanent Injunction was served to each person listed below by the method indicated.

/s/ Kristy Arellano
KRISTY ARELLANO
Attorney for Plaintiff

SHAPIRO SCHWARTZ, LLP
Attorney for THE MONEY SOURCE, INC.
Attn: Foreclosure Department
13105 Northwest Freeway, Ste. 1200
Houston, TX 77040
Tel: (713) 462-2565
Fax: (847) 879-4823

No. 2019CI24459

ROLANDO FLORES
Plaintiff,

THE MONEY SOURCE, INC.
Defendant.

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IN THE DISTRICT COURT
285TH JUDICIAL DISTRICT

OF BEXAR COUNTY, TEXAS

PLAINTIFF'S APPLICATION FOR TEMPORARY RESTRAINING
ORDER, TEMPORARY INJUNCTION AND PERMANENT INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES **ROLANDO FLORES**, Plaintiff herein, and files this Plaintiff's Application for Temporary Restraining Order and Temporary and Permanent Injunction against **THE MONEY SOURCE, INC.**, Defendant herein, and in support thereof, show the court the following:

PARTIES AND SERVICE

1. **ROLANDO FLORES**, is "Plaintiff." Plaintiff resides in San Antonio, Bexar County, Texas.
2. **THE MONEY SOURCE, INC.**, is "Defendant." Defendant is represented by the firm of Shapiro Schwartz, LLP and may be served with a citation directed to said Defendant at the following address: 13105 Northwest Freeway, Suite 1200, Houston, TX 77040; with Tel: (713) 462-2565; and Fax (847) 879-4823.

JURISDICTION AND VENUE

3. The subject matter in controversy is within the jurisdictional limits of this court.
4. This court has jurisdiction over the parties because Defendant is a Texas resident.
5. Venue in Bexar County is proper in this cause under Section 15.011 of the Texas Civil Practice and Remedies Code because this action involves real property as provided by said Section, and this county is where all or part of the real property is located.

FACTS

6.
 - A. Plaintiff, **ROLANDO FLORES**, is the record owner of real property and improvements located at 11911 Orsinger Lane, San Antonio, TX 78230.
 - B. Plaintiff, **ROLANDO FLORES**, was notified by Defendant, **THE MONEY SOURCE, INC.**, through a certified letter notifying Plaintiff of their intent to foreclose on the property at a foreclosure sale scheduled for December 3, 2019.
 - C. Plaintiff believes the amount now demanded by Defendant for default exceeds the amount actually due.
 - D. Plaintiff believes that all payments were sent on time.
 - E. Plaintiff is in the process of obtaining a loan modification, however it will not be complete on or before the foreclosure sale.
7. Unless **THE MONEY SOURCE, INC.**, Defendant herein, is immediately enjoined and restrained, Defendant will foreclose on 11911 Orsinger Lane, San Antonio on December 3, 2019.

FOR INJUNCTIVE RELIEF

8. In light of the above described facts, Plaintiff seeks discovery from Defendant.
9. Plaintiff is likely to succeed on the merits of this lawsuit because no accounting has been provided to Plaintiff that would provide a reasonable assurance the amount demanded by Defendant is accurate.
10. Unless this Honorable Court immediately restrains the Defendant, The Plaintiff will suffer immediate and irreparable injury, for which there is no adequate remedy at law to give Plaintiff complete, final, and equal relief. More specifically, Plaintiff will show the court the following:
 - A. The harm to Plaintiff is imminent because Defendant intends to foreclose on 11911 Orsinger Lane, San Antonio, TX 78230, San Antonio on December 3, 2019.
 - B. This imminent harm will cause Plaintiff irreparable injury in that foreclosure

would result in the eminent expulsion of Plaintiff from his homestead.

- C. There is no adequate remedy at law which will give Plaintiff complete, final and equal relief because foreclosure would result in expulsion of Defendant from the homestead.

BOND

11. Plaintiff is willing to post a reasonable temporary restraining order bond and requests the court to set such a bond.

REMEDY

12. Plaintiff has met Plaintiff's burden by establishing each element which must be present before injunctive relief can be granted by this court. therefore Plaintiff is entitled to the requested temporary restraining order.
13. Plaintiff requests the court to restrain Defendant from foreclosing on 11911 Orsinger Lane, San Antonio, TX 78230 on December 3, 2019.
14. It is essential that the court immediately and temporarily restrain Defendant from foreclosing on 11911 Orsinger Lane, San Antonio, TX 78230 on December 3, 2019. It is essential that the court act immediately, prior to giving notice to Defendant and a hearing on the matter because the date set for foreclosure is Tuesday, December 3, 2019.
15. In order to preserve the status quo during the pendency of this action, Plaintiff requests that the Defendant be temporarily enjoined from foreclosure on 11911 Orsinger Lane, San Antonio, TX 78230.
16. On final trial on the merits, that the Court permanently enjoin THE MONEY SOURCE, INC., Defendant herein, from foreclosure on 11911 Orsinger Lane, San Antonio, TX 78230.

PRAYER

WHEREFORE, PREMISES CONSIDERED, **ROLANDO FLORES**, Plaintiff herein, respectfully prays that:

- A. **THE MONEY SOURCE, INC.**, Defendant, will be cited to appear and answer

herein;

- B. A temporary restraining order will issue without notice to **THE MONEY SOURCE, INC.**, Defendant, restraining Defendant, Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys from directly or indirectly foreclosing on 11911 Orsinger Lane, San Antonio, TX 78230 on December 3, 2019.
- C. After notice and hearing, a temporary injunction will issue enjoining and restraining **THE MONEY SOURCE, INC.**, Defendant, Defendant's officers, agents, servants, employees, successors and assigns, and attorneys from directly, or indirectly foreclosing on 11911 Orsinger Lane, San Antonio, TX 78230 on December 3, 2019.
- D. After trial on the merits, the Court permanently enjoin Defendant, Defendant's officers, agents, servants, employees, successors and assigns, and attorneys from directly or indirectly foreclosing on the property at 11911 Orsinger Lane, San Antonio, TX 78230 on December 3, 2019 until all parties agree on the amount owed by Plaintiff.
- E. For such other and further relief, in law or in equity, to which Plaintiff may be justly entitled.

Respectfully Submitted,
Law Offices of Kristy Arellano

By: _____

Kristy Arellano
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Fax. (866) 502-0791
arellanolaw@fastmail.fm

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ROLANDO FLORES
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IN THE DISTRICT COURT
285th JUDICIAL DISTRICT

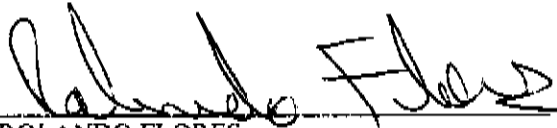
OF BEXAR COUNTY, TEXAS

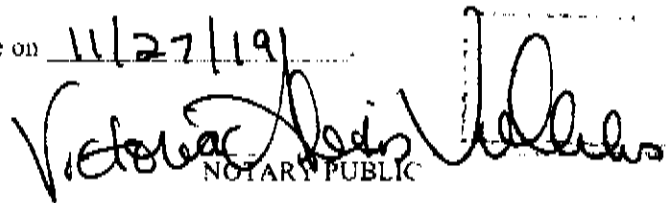
AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR TEMPORARY RESTRAINING ORDER

BEFORE ME, the undersigned authority, personally appeared, **ROLANDO FLORES**, who being duly sworn, deposed as follows: "My name is **Rolando Flores**. I am at least 18 years of age and of sound mind. I am personally acquainted with the facts alleged herein.

"I personally reside at 11911 Orsinger Lane, San Antonio, TX 78230. I make mortgage payments to **THE MONEY SOURCE, INC.**. I have tried to contact THE MONEY SOURCE, INC. on information on my account a discuss a way to reinstate my account. I contacted THE MONEY SOURCE, INC. several times and was told to send an application for remodification. I sent in the application and was told that someone would review my application and get back to me. After trying and trying to contact THE MONEY SOURCE, INC., I was told that I did not qualify for a remodification. However, they sent me one more application/alternative to the remodification and they requested all my information. As I was compiling the information to send THE MONEY SOURCE, INC., I was notified that they intended to foreclose on my residence the first week of December 2, 2019. THE MONEY SOURCE, INC., and its law firm did not give me an opportunity to cure my account. I have tried many times to discuss the amounts that they indicate I have owed but no one at the firm or bank has given me a detailed list and accounting. I have not been mailed a detailed summary that finalizes who much I owe. I only receive one figure, with no explanation. I question the accuracy of the amount now due.

Affiant sayeth further not."


ROLANDO FLORES

SIGNED under oath before me on 11/27/19

NOTARY PUBLIC